
PUBLIC INTEREST DISCLOSURES

Policy Owner:	Governance and Legal
Contact Person:	Executive Manager Governance and Legal
Date of Approval:	23 January 2017

Policy Objective

The purpose and objective of this Policy is to:-

- support and maintain high standards of professional and ethical conduct at the City of Wanneroo (the City);
- demonstrate the City's commitment to developing, implementing and maintaining a governance program for public interest disclosures (PIDs) and ensuring effective compliance with legislation and policy;
- assist those making disclosures and the subject(s) of disclosures understand their rights and responsibilities under the Public Interest Disclosure Act 2003 (the Act);
- outline the legislative provisions and the City's procedures in place to protect any person who makes a PID (discloser) or is the subject of a PID.

Policy Statement

This Policy is premised on the fact that all persons have an ethical responsibility to report suspected misconduct and maladministration. The City does not tolerate corrupt or other improper conduct.

The City is committed to the aims and objectives of the *Public Interest Disclosure Act 2003* (PID Act) and to creating and sustaining an ethical work environment through:

- eliminating unlawful, negligent or improper conduct from the workplace;
- facilitating resolution of complaints and PIDs that relate to the City;
- encouraging employees and others to disclose information about suspected wrongdoing through employee awareness and training initiatives;
- ensuring that complaints and PIDs made to the City, including those made anonymously, are properly assessed and appropriately dealt with; and
- affording support and protection from reprisals to disclosers or to those who are the subject of a PID.

Scope

A PID is more than a general complaint or dissatisfaction with a product, service or decision of government. It is also more than a personal grievance that can be resolved by agreement.

A public interest disclosure must relate to wrongdoing, not be trivial and must be made to the right person (being a proper authority). A PID must be managed in accordance with the PID Act and, once made; the person making the disclosure cannot withdraw it.

Who does it relate to?

A disclosure must relate to a matter of public interest information and show or tend to show wrongdoing by a public authority, public officer or public sector contractor performing a public function.

Disclosures covered by the Act?

A disclosure must relate specifically to one or more of the following areas:

- Improper conduct.
- An offence under State law, including corruption.
- Substantial, irregular or unauthorised use of or mismanagement of public resources.
- Substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment.
- Matter of administration which could be investigated by the Ombudsman.

Making a Disclosure

A PID must be made to a proper authority, otherwise it will not be covered by the Act. The proper authority for receiving a PID depends on the information relating to the PID. Refer to Appendix 1 for further information

PID Officers are the person who holds the specified position to receive disclosures within the sphere of responsibility of the public authority. This person is designated by the Principal Executive Officer (PEO) under section 23(1)(a) of the Act.

The City has a number of PID Officers. Enquiries can be made to the Manager Governance and Legal or Manager People and Culture on (08) 9405 5000.

Before making a disclosure it is important that the discloser is aware of the rights and responsibilities imposed on them and others under the Act. The City's PID Officer can assist, however it is important to note that:

- It is an offence to disclose recklessly or if it is false and misleading.
- If a matter is investigated, the discloser is expected to cooperate.
- Information must be kept confidential or the discloser may lose protection and commit an offence.

Roles and Responsibilities

The Manager Governance and Legal and Manager People and Culture will be the City's contact in regard to PID Disclosures and will make a determination on how to proceed with the allegation.

Dispute Resolution

Rights of Appeal

If dissatisfied with the outcome there is no right of appeal however another disclosure may be made to a different proper authority.

Proper authorities include Corruption and Crime Commission, State Ombudsman, Office of the Auditor General and WA Police.

Penalties

The PID Act provides severe penalties of up to \$24,000 for breaches, including the unauthorised disclosure of the identity of the informant or the subject of the complaint.

Evaluation and Review Provisions

The policy will be reviewed in line with amendments to the Public Interest Disclosures Act 2003.

Relevant Policies/Management Procedures/Documents or Delegations

Fraud, Corruption, Bribery and Misconduct Policy – Published on the City's Internet.

Public Interest Disclosure Guidelines – Published on the City's Internet.

Guide for Disclosers, Public Sector Commission Website:

https://publicsector.wa.gov.au/sites/default/files/documents/guide_for_disclosers.pdf

Responsibility for Implementation

Manager Governance and Legal

Version	Next Review	Record No:
1 July 2003	July 2006	13/8914
26 July 2016	July 2019 (unless there are changes to legislation).	13/8914
23 January 2017	January 2020 (unless there are changes to legislation).	

APPENDIX 1

Category of public interest information	Appropriate proper authority (pursuant to the PID Act)
Offences under State law	A police officer or the Corruption and Crime Commission (s5(3)(a))
Substantial unauthorised or irregular use of, or substantial mismanagement of, public resources	Auditor General (s5(3)(b)) or the PID Officer of the public authority concerned (s5(3)(h))
Matters of administration affecting someone in their personal capacity falling within the jurisdiction of the Ombudsman Western Australia	Ombudsman Western Australia (s5(3)(c)) or the PID Officer of the public authority concerned (s5(3)(h))
A police officer	Commissioner of Police or the Corruption and Crime Commission (s5(3)(d))
A judicial officer	Chief Justice (s5(3)(e))
A Member of the Legislative Assembly	Speaker of the Legislative Assembly (s5(3)(f))
A Member of the Legislative Council	President of the Legislative Council (s5(3)(f))
A public officer who is not a Member of Parliament, a Minister, a judicial officer or a commissioned or other officer specified in schedule 1 of the <i>Parliamentary Commissioner Act 1971</i>	Ombudsman Western Australia or the Public Sector Commissioner (s5(3)(g)) or the PID Officer of the public authority concerned (s5(3)(h))
A public authority or an officer of the public authority	PID Officer of the public authority (s5(3)(h))